

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re Application of Vale S.A., Vale Holdings : 20-MC-199 (JGK) (OTW)  
B.V., and Vale International S.A. for an :  
Order Pursuant to 28 U.S.C. § 1782 to : **ORDER**  
Conduct Discovery for Use in Foreign :  
Proceedings :  
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**ONA T. WANG, United States Magistrate Judge:**

The Court has reviewed the parties' joint letter and proposed protective order at ECF 64.

Regarding the dispute over paragraph 8 of the proposed order, the parties are directed to consider the following language, which has been taken verbatim from the Hon. Lewis J. Liman's Model Protective Order:

Nothing in this Protective Order will prevent any person subject to it from producing any Confidential Discovery Material in its possession in response to a lawful subpoena or other compulsory process, or if required to produce by law or by any government agency having jurisdiction, provided, however, that such person receiving a request, will provide written notice to the producing person before disclosure and as soon as reasonably possible, and, if permitted by the time allowed under the request, at least 10 days before any disclosure. Upon receiving such notice, the producing person will have the right to oppose compliance with the subpoena, other compulsory process, or other legal notice if the producing person deems it appropriate to do so.

By October 7, 2020, Parties are further directed to submit a joint letter informing the Court whether they will accept the proposed language above. If not accepted, Applicants as well as Respondents are directed to submit updated proposed language in their joint letter, and

explain to the Court why their proposed language is better than Judge Liman's.

**SO ORDERED.**

Dated: September 24, 2020  
New York, New York

*s/ Ona T. Wang*

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**Ona T. Wang**  
United States Magistrate Judge